

June 30, 2025

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
DEPUTY CLERK

BRANDON WATSON-KAUFMAN,)
Plaintiff,) Civil Action No. 7:24cv00714
)
v.) OPINION and ORDER
)
DEPARTMENT OF CORRECTIONS, et al.,) By: Robert S. Ballou
Defendants.) United States District Judge

Brandon Watson-Kaufman, a Virginia inmate proceeding *pro se*, has filed a civil rights action pursuant to 42 U.S.C. § 1983 against the Department of Corrections and against defendant Beasley, identified as Unit Manager/Warden. As currently stated, the complaint fails to state a claim for which relief may be granted.

Section 1983 provides a cause of action against a “person” who, acting under color of state law, violates the constitutional rights of another. 42 U.S.C. § 1983; *Loftus v. Bobzien*, 848 F.3d 278, 284–85 (4th Cir. 2017). Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.” *Trulock v. Freeh*, 275 F.3d 391, 402 (4th Cir. 2001). A proper claim requires factual details about a defendant’s personal involvement in the violation of a plaintiff’s rights. *Wilcox v. Brown*, 877 F.3d 161, 170 (4th Cir. 2017).

The Virginia Department of Corrections, an arm of the State, is not a “person” within the meaning of § 1983, and as such, has immunity from suit under the Eleventh Amendment. *Fauconier v. Clarke*, 966 F.3d 265, 279–80 (4th Cir. 2020). Plaintiff must identify a person whose individual actions violated plaintiff’s rights.

As for defendant Beasley, presumably a person, the Complaint does not state any actions taken by Beasley. He is mentioned only in the caption of the Complaint. To state a cause of action, the Complaint must describe the actions taken by Beasley, or by any other person whose

actions violated plaintiff's rights, and he must state how his constitutional rights were violated by their actions.

Because plaintiff is acting *pro se* and may be able to identify persons who violated his rights, the court will give him an opportunity to amend his Complaint within thirty (30) days from the date of this order. The Amended Complaint should name as a defendant each individual person that plaintiff believes violated his constitutional rights and clearly state how each defendant violated his federal rights. The Amended Complaint must be a new pleading that stands by itself without reference to the earlier Complaint, its attachments, or other items previously filed. Failure to file an Amended Complaint within thirty (30) days from the date of this order, to correct the noted deficiencies, will result in dismissal of this Complaint for failure to state a claim upon which relief may be granted. Alternatively, if plaintiff would prefer to voluntarily dismiss his Complaint without prejudice, he may file a motion to do so with the court.

The Clerk shall send the plaintiff a copy of this order and a blank § 1983 form for filing his Amended Complaint, should he choose to do so.

It is so **ORDERED**.

Enter: June 29, 2025

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge

**AMENDED COMPLAINT
IN THE UNITED STATES DISTRICT COURT
Western District of Virginia**

BALLOU

District Judge
(Assigned by Clerk's Office)

SARGENT

Mag. Referral Judge
(Assigned by Clerk's Office)

CIVIL ACTION NO. 7:24-cv-00714

(Assigned by Clerk's Office)

For use by Inmates filing a Complaint under

CIVIL RIGHTS ACT, 42 U.S.C. §1983 or BIVENS v. SIX UNKNOWN NAMED AGENTS OF FED. BUREAU OF NARCOTICS, 403 U.S. 388 (1971)

Plaintiff Name

Inmate No.

v.

Defendant Name & Address

**IF YOU NEED TO ADD MORE DEFENDANTS, USE A SEPARATE SHEET OF PAPER, AND PUT
NAME AND ADDRESS FOR EACH NAMED DEFENDANT.
TITLE THE SECOND PAGE "CONTINUED NAMED DEFENDANTS"**

A. Where are you now? Name *and* Address of Facility:

B. Where did this action take place?

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

Yes No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

Yes No

1. If your answer is Yes, indicate the result:

2. If your answer is No, indicate why:

E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:
(Additional Supporting Facts may be placed on a separate paper titled ADDITIONAL SUPPORTING FACTS)

F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

G. If this case goes to trial, do you request a trial by jury? Yes _____ No _____

H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address **after** I have been released or transferred or my case may be dismissed.

DATED: _____ SIGNATURE: _____

VERIFICATION:

I, _____, state that I am the plaintiff in this action, and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: _____ SIGNATURE: _____